State of Nevada

MINOR PARTY QUALIFICATION GUIDE

2016

Provided by

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2016 MINOR POLITICAL PARTY QUALIFICATION GUIDE
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PREFACE

The Secretary of State's office has prepared this brief summary of the statewide minor political party qualification procedures as printed in Chapter 293 of the Nevada Revised Statutes (NRS) and other pertinent sections of the Nevada Constitution, Title 24 Election Laws of the NRS and the Nevada Administrative Code (NAC). The purpose of this guide is to provide an understanding of the procedures and requirements necessary to qualify a minor political party and to gain and maintain ballot access. **It is important to note that this Guide is for general information only and does not have the force and effect of Nevada law, regulation or rule.** Interested citizens should obtain the most recent version of the NRS, as Nevada's Election Laws are amended each legislative session. Interested parties should also be aware that election issues are periodically addressed by the Attorney General, or by State or Federal courts. Due to the general scope of this guide, some of these issues may not be addressed here. Interested parties should review Attorney General Opinions and court decisions, and should contact the Secretary of State or a Nevada attorney with any specific questions.

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QUESTIONS?

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PROCEDURES TO QUALIFY AS A MINOR POLITICAL PARTY

To qualify as a minor political party, an organization must: (1) file a **Certificate of Existence** and a copy of the constitution or bylaws of the party, with the Secretary of State's office; (2) in order to obtain ballot access, a qualified party must successfully complete one of the three procedures listed in section (2) below; and (3) file a list of its candidate(s) for partisan office with the Secretary of State's office.

(1) Qualification

An organization must file a Certificate of Existence with the Secretary of State's office. The Certificate must include the following:

a. Name of the political party;
b. Name of its officers;
c. Names of the members of its executive committee;
d. Name of the person authorized to file the list of its candidates for partisan office with the Secretary of State; and
e. A copy of its constitution or bylaws. (NRS 293.171(1)(2)).

The constitution or bylaws of a minor political party must provide a procedure for the nomination of its candidates in such a manner that only **one candidate** may be nominated for each office. (NRS 293.171(4)).

A minor political party shall file with the Secretary of State an **Amended Certificate of Existence** within **five days** after any change in the information contained on the Certificate of Existence. (NRS 293.171(3)).

After filing the Certificate of Existence, the minor political party must follow the procedures listed below to obtain ballot access.

(2) Obtaining Ballot Access for the 2016 General Election

A minor political party may obtain ballot access for the 2016 General Election through one of the following ways. The minor political party will be granted with ballot access if:

a. At the 2014 General Election, it received for any of its candidates, 1% or more of the total votes cast for the offices of Representative in Congress, Districts 1, 2, 3 and 4 (NRS 293.1715(2)(a));

b. At least 1% of the total number of registered voters in Nevada have designated the minor political party on applications to register to vote, as of January 1 preceding a primary (NRS 293.1715(2)(b)); or

c. It has submitted a petition for minor party ballot access containing valid signatures equal to 1% of the total number of votes cast at the last General Election for the offices of Representative in Congress, Districts 1, 2, 3, and 4, with the appropriate County Clerk/Registrar of Voters for signature verification, no later than June 3, 2016; and after verification, filed with the Secretary of State's offices, no later than June 17, 2016 (NRS 293.1715(2)(c), 293.172(1)(c)).

Total votes cast for Representative in Congress in the 2014 General Election……	543,009
Total number of valid signatures needed to qualify a minor political party for 2016…….....	5,431*

(3) **Filing a List of its Candidates for Partisan Office**

A minor political party must file with the Secretary of State's office a list of its candidate(s) for partisan office not earlier than March 7, 2016 and, not later than 5:00 p.m. on March 18, 2016. The list must be signed by the person authorized in the Certificate of Existence before a notary public or other person authorized to take acknowledgments. (NRS 293.1725 (1)(b)).

* The number is rounded up due to the 1% of the total votes cast for Representative in Congress being 543,009. Therefore, to meet the statutory requirement of at least 1%, the number must be rounded up to the next highest number.

REQUIREMENTS OF PETITIONS TO QUALIFY FOR BALLOT ACCESS

The party must first file a copy of the petition with the Secretary of State before the petition may be circulated for signatures. The format of the petition is described on page 6. If the office to which the candidate is to be nominated is a county office, only the registered voters of that county may sign the petition. If the office to which the candidate is to be nominated is a district office, only the registered voters of that district may sign the petition. The signatures obtained must then be verified by the County Clerks/Registrars in the counties where the petition was circulated. The signature verification process is described on page 7. After signature verification, the County Clerks/Registrars notify the Secretary of State's office. The Secretary of State then notifies the petitioners whether the petition qualified based on the results of the signature verification. (NRS 293.1715(4), 293.172(1)(c)(2)).

Procedure for Continued Existence as a Minor Political Party

If a minor political party does not place the name of at least one candidate on the 2016 General Election ballot, the minor political party must file a **Notice of Continued Existence** with the Secretary of State no later than August 12, 2016. A minor political party which fails to file a Notice of Continued Existence **ceases to exist as a minor political party in this state.** (NRS 293.171(5)(6)).

Maintaining Ballot Access After the 2016 General Election

A minor political party maintains ballot access for the 2016 General Election if:

a. Any of its candidates for partisan office receives a number of votes equal to at least 1% or more of the total number of votes for the office of Representative in Congress, Districts 1, 2, 3 and 4 at the 2014 General Election; (NRS 293.1715(2)(a)); **or**

b. At least 1% of the total number of registered voters in Nevada has designated the minor political party on applications to register to vote. (NRS 293.1715(2)(b)).

If a minor political party meets either of these requirements, it will not have to petition to maintain ballot access for the 2018 General Election.

IMPORTANT DATES

January 1, 2016	A minor political party may qualify for ballot access if 1% of the total number of registered voters in Nevada is registered with that minor political party by this date. (NRS 293.1715(2)(b)).
March 7, 2016 through March 18, 2016	Period during which a minor political party may file a list of candidates with the Secretary of State. This includes new political parties and those who may or may not be qualified for ballot access. The list of candidates may not be amended after 5:00 p.m. on March 18, 2016. (NRS 293.1725(1)).
March 7, 2016 through March 18, 2016	Period during which a minor political party candidate may file a Declaration of Candidacy and pay the appropriate fee, if any, for the purpose of having the candidate's name appear on the 2016 General Election ballot. (NRS 293.1725(3)).
June 3, 2016	Last day a minor political party seeking ballot access may **submit a petition** containing the signatures of 1% of the total number of votes cast at the 2014 General Election for the offices of Representative in Congress, Districts 1, 2, 3 and 4 to the County Clerks/Registrars for signature verification. (NRS 293.172(1)(c)).
June 17, 2016	Last day for a minor political party petition containing the signatures of 1% of the total number of votes cast at the 2014 General Election for the offices of Representative in Congress, Districts 1, 2, 3 and 4 to be filed with the Secretary of State by County Clerks/Registrars. (NRS 293.1715(2)(c)).
August 12, 2016	Last day for a minor political party that does not file a list of candidates to file a Notice of Continued Existence with the Secretary of State. **Failure to file the Notice of Continued Existence causes the party to cease to exist.** (NRS 293.171(5) (6)).

LIST OF CANDIDATES & VACANCIES

A list of candidate(s) must be filed with the Secretary of State between March 7, 2016 and March 18, 2016, before any minor political party candidates may file for office. The list must be signed by the person authorized in the minor political party's Certificate of Existence before a notary public or other person authorized to take acknowledgements. **The list may be amended until 5 p.m. on the last day that the list may be filed.** (NRS 293.1725(1)).

The Secretary of State will forward a certified copy of the minor political party's list of candidates for partisan office to the filing officer with whom each candidate must file the Declaration of Candidacy. Each candidate on the list must file the Declaration of Candidacy with the appropriate filing officer and pay the appropriate fee, if any. The candidate may file the Declaration of Candidacy during the period of March 7, 2016 to March 18, 2016. (NRS 293.1725(2)(3)).

The names on the list of candidates of a minor political party **will not appear** on the 2016 Primary Election ballot. However, the names will appear on the 2016 General Election ballot. **Please note that each minor party may have only one candidate for each office appearing on the General Election ballot.** (NRS 293.1715(1)(2)(4)).

When applicable, a minor political party that wishes to place candidates for the offices of President and Vice President of the United States on the ballot and has qualified to place the names of its candidates for partisan office on the ballot for the general election pursuant to NRS 293.1715(2), must file with the Secretary of State a certificate of nomination for these offices not later than the last Tuesday in August. (NRS 293.1725 (4); NRS 298.035)

Filling a Vacancy

A vacancy occurring in a minor political party nomination for a partisan office, may be filled by a candidate designated by the minor party's executive committee, except for a vacancy occurring in a party nomination for the office of State Senator or Assemblyperson from a multi-county legislative district, The designation must be filed before 5:00 p.m. on July 22, 2016. The nominated candidate must file an acceptance of designation and pay the filing fee by 5:00 p.m. on the date the designation is filed. (NRS 293.165(1)(5)).

For the procedure to fill a vacancy occurring in a minor party nomination for the office of State Senator or Assemblyperson from a multi-county legislative district, please see NRS 293.166.

Please note that no change may be made on the ballot after July 22, 2016. If a nominee dies after that date, such nominee's name must remain on the ballot and if the deceased nominee is elected, a vacancy is created. (NRS 293.165(4)).

BALLOT ACCESS PETITION FORMAT

- The petition may consist of more than one document;

- Each document of the petition may consist of one or more pages and must be bound together;

- Each document must bear the name of the minor political party and if applicable, the candidate, and office to which the candidate is to be nominated;

- Each document must bear the name of a county, and only registered voters of that county may sign the document;

- Each document must contain sequentially numbered spaces for the name of each person who signs the petition, the signature of that person, the residence address of that person, the name of the county where that person is registered to vote, and the date of the signature;

- Each document must contain an affidavit of the person who circulated the document, verifying that the signers, to the best of his or her belief are registered voters in the State and were signed in his presence. The Affidavit must be on the last page of each document and be signed before a person authorized by law to administer oaths in the State of Nevada (a notary public);

  Please Note: The circulator is **not** required to be a registered voter in Nevada.
  (Attorney General Opinion No. 99-37, dated 12/01/99)

- Each signature on the petition must be in ink. The County Clerk/Registrar will disregard any signature that is not signed in ink; and

- Each page of the document must be sequentially numbered, beginning with the number one (1) for each document. The County Clerk/Registrar cannot accept a petition unless each page of the petition is numbered.

THE SECRETARY OF STATE DOES NOT APPROVETHE LEGALITY OF THE PETITIONS A challenge to the form of the petition must be made in a district court in the county that is named on the document.

NOTE: Sample petition is provided in the Appendix.

See: NRS 293.172
NRS 293.12757
NRS 293.12758
Nevada Administrative Code (NAC) 293.182
Attorney General Opinion No. 99-37, dated 12/01/99

PETITION VERIFICATION PROCESS

Step 1:

All documents of a petition must be submitted to the appropriate County Clerk/Registrar at the same time. The Clerk/Registrar counts the **total** number of signatures on the petition and forwards that number to the Secretary of State. This is the **"raw count."** (NRS 293.12758; 293.1276).

> **Time frame:** The County Clerk/Registrar must complete the raw count within 2 days after submission of the petition excluding Saturdays, Sundays, holidays. (NRS 293.1276(1)).

Step 2:

Based on the **raw count** information received from the County Clerk/Registrar, the Secretary of State determines whether the number of signatures is 100% of the number needed. If the **raw count** indicates that the petition contains less than 100% of the signatures needed, the Secretary of State notifies the person who submitted the petition and the County Clerk/Registrar that no further action will be taken on the petition. If the **raw count** indicates that the petition contains 100% or more of the number of signatures required, the Secretary of State notifies the County Clerk/Registrar. (NRS 293.1276; 293.1277(1)).

> **Time frame:** Immediately after the Secretary of State receives the **raw count** from all counties the Secretary of State determines if the petition contains the number of signatures needed to declare the petition sufficient. (NRS 293.1277(1)).

Step 3:

If the Secretary of State notifies the County Clerk/Registrar that the petition contains the number of signatures required, the County Clerk/Registrar shall verify the petition. The Clerk/Registrar shall allow the person who submitted the petition or a member of the petitioner's committee to witness the signature verification. If more than 500 names have been submitted, the County Clerks/Registrar shall randomly sample 500 or 5% of the signatures whichever is greater. Upon completing the examination, each County Clerk/Registrar shall transmit the documents with a certificate showing the results of his examination to the Secretary of State. The County Clerks/Registrar shall also notify the Secretary of State of requests to remove a name from the petition (NRS 293.1277(2)(4)).

> **Time frame:** Signature verification must be completed **within 3 days** after notification from the Secretary of State, excluding Saturdays, Sundays and holidays. (NRS 293.1277(1)).

PETITION VERIFICATION PROCESS - DETERMINATION OF SUFFICIENCY

The Secretary of State determines whether or not the petition is sufficient based on the County Clerks'/Registrars' certified results of the signature verification.

1. If the Secretary of State finds that the number of valid signatures is **less than 100%** of the number of registered voters required to declare the petition sufficient (or less than 90% if the verification was conducted pursuant to a random sampling):

> **Result:** The petition **fails to qualify**, and the Secretary of State shall immediately notify the petitioners and the County Clerks/Registrars. No further action is taken. (NRS 293.1278(1)).

2. If the Secretary of State finds that the number of valid signatures, not including those who requested their signature to be removed before verification, is equal to or greater than 100% of the number of registered voters required to declare the petition sufficient:

> **Result:** The petition is **deemed qualified** as of the date the Secretary of State receives the final certificates of results. The Secretary of State immediately notifies the County Clerks/Registrars and the petitioners. (NRS 293.1278(2)).

3. If the signature verification was conducted pursuant to a **random sampling** of the greater of 500 signatures or 5% of the total contained on the petition, and the Secretary of State finds the number of valid signatures, not including those who requested their signature to be removed before verification, is **90% or greater, but less than 100%** of the required number of registered voters needed to declare the petition sufficient:

> **Result:** The Secretary of State directs the County Clerks/Registrars to **reexamine the signatures** for verification. The County Clerks/Registrars will verify each signature on the petition to determine whether 100% or more of the required number of voters signed the petition.

The County Clerks/Registrars must complete this process **within 5 working days** after receiving the order of the Secretary of State.

After completing the reexamination of signatures for verification, the County Clerks/Registrars will forward an **amended certificate of results** to the Secretary of State. NRS 293.1279; 293.1278(2).

PETITION VERIFICATION PROCESS - FILING AN APPEAL

If a petition for a minor party qualification fails for lack of signatures, the person who submitted the petition may contest the signature verification by filing an appeal with the Secretary of State. The appeal must:

a. Be filed within 5 working days after receipt of the Secretary of State's Notice of Determination of Sufficiency;

b. Include the reasons for the appeal; and,

c. Include a statement of the number of signatures, if any, that the County Clerk/Registrar determined were invalid.

If the appeal is based on the results of the signature verification, the Secretary of State will:

If the Secretary of States agrees with the persons who filed the appeal, he will order the county Clerk/Registrar to recertify the petition to include all contested signatures which the Secretary of State determines are valid as verified signatures.

a. If the Secretary of State does not agree with the persons who filed the appeal, he will notify that person and the County Clerk/Registrar that the petition remains insufficient.

b. If the Secretary of State is unable to make a decision on the appeal based upon the documents submitted, he may order the County Clerk/Registrar to re-verify the signatures.

The decision of the Secretary of State is a final decision for the purposes of judicial review. The decision of the Secretary of State may be appealed, but only in the First Judicial District Court in Carson City, Nevada. (NRS 293.12793; 293.12795).

COURT CHALLENGES

The qualification of a minor political party may be challenged in court. If such a challenge is filed, all affidavits and supporting documents must be filed by 5 p.m., June 24, 2016, in the First Judicial District Court in Carson City, Nevada. (NRS 293.174).

APPENDIX

- ***Sample of Ballot Access Petition (To qualify all the minor party's candidates)***
- ***Pertinent Sections of the Nevada Revised Statutes (NRS)***
- ***Nevada Administrative Code Regulation (NAC) 293.182 – As of the date of this publication, the Nevada Administrative Code is in the process of being revised***
- ***Senate Bill No. 499 – Committee on Legislative Operations and Elections***
- ***List of County Clerks/Registrars of Voters***

**** The included sections of the NRS may not reflect all revisions made by the Nevada Legislature at its 2015 78th Legislative Session, as those revisions were being codified at the time this guide was published. Please contact the Legislative Counsel Bureau for the most recent version of the NRS.***

Minor Political Party Ballot Access Petition *State of Nevada*

Petition to Qualify

_____
(print name of minor party)

For General Election Ballot Access as a Minor Political Party

County of_____}

(Only registered voters of this County may sign below.)

			This space for office use only
1	PRINT YOUR NAME (last name, first name, initial)	RESIDENCE ADDRESS ONLY:	
	YOUR SIGNATURE: DATE: / /	CITY: COUNTY:	
2	PRINT YOUR NAME (last name, first name, initial)	RESIDENCE ADDRESS ONLY:	
	YOUR SIGNATURE: DATE: / /	CITY: COUNTY:	
3	PRINT YOUR NAME (last name, first name, initial)	RESIDENCE ADDRESS ONLY:	
	YOUR SIGNATURE: DATE: / /	CITY: COUNTY:	
4	PRINT YOUR NAME (last name, first name, initial)	RESIDENCE ADDRESS ONLY:	
	YOUR SIGNATURE: DATE: / /	CITY: COUNTY:	
5	PRINT YOUR NAME (last name, first name, initial)	RESIDENCE ADDRESS ONLY:	
	YOUR SIGNATURE: DATE: / /	CITY: COUNTY:	
6	PRINT YOUR NAME (last name, first name, initial)	RESIDENCE ADDRESS ONLY:	
	YOUR SIGNATURE: DATE: / /	CITY: COUNTY:	
7	PRINT YOUR NAME (last name, first name, initial)	RESIDENCE ADDRESS ONLY:	
	YOUR SIGNATURE: DATE: / /	CITY: COUNTY:	

Minor Political Party Ballot Access Petition *State of Nevada*

Petition to Qualify

_____
(Print name of Minor Party)

For General Election Ballot Access as a Minor Political Party

County of_____} **(Only registered voters of this County may sign below.)**

			This space for office use only
8	PRINT YOUR NAME (last name, first name, initial)	RESIDENCE ADDRESS ONLY:	
	YOUR SIGNATURE: DATE: / /	CITY: COUNTY:	
9	PRINT YOUR NAME (last name, first name, initial)	RESIDENCE ADDRESS ONLY:	
	YOUR SIGNATURE: DATE: / /	CITY: COUNTY:	
10	PRINT YOUR NAME (last name, first name, initial)	RESIDENCE ADDRESS ONLY:	
	YOUR SIGNATURE: DATE: / /	CITY: COUNTY:	

[Place affidavit on last page of document]

AFFIDAVIT OF CIRCULATOR

(To be completed by the person who circulated the petition after all signatures have been obtained)

STATE OF NEVADA)
)
COUNTY OF _____)

I,_____, (print name), being first duly sworn under penalty of perjury, depose and say: (1) that I reside at

_____

(print street, city and state); (2) that I am 18 years of age or older; (3) that I personally circulated this document; (4) that all signatures were affixed in my presence; (5) that I believe each person who signed was at the time of signing a registered voter in the county of his or her residence; and (6) that the number of signatures affixed thereon is _____.

_____
Signature of Circulator

Subscribed and sworn to or affirmed before me this _____ day

of _____, _____, by _____.

_____
Notary Public or person authorized to administer an oath

Prescribed by Secretary of State
NRS 293.172
EL506 (rev. 02/00)

NRS CHAPTER 293
ELECTIONS

CIRCULATION AND SUFFICIENCY OF CERTAIN PETITIONS

NRS 293.127565 Use of public buildings to gather signatures on petitions; remedy for violation; regulations.

1. At each building that is open to the general public and occupied by the government of this State or a political subdivision of this State or an agency thereof, other than a building of a public elementary or secondary school, an area must be designated for the use of any person to gather signatures on a petition at any time that the building is open to the public. The area must be reasonable and may be inside or outside of the building. Each public officer or employee in control of the operation of a building governed by this subsection shall:

(a) Designate the area at the building for the gathering of signatures; and

(b) On an annual basis, submit to the Secretary of State and the county clerk for the county in which the building is located a notice of the area at the building designated for the gathering of signatures on a petition. The Secretary of State and the county clerks shall make available to the public a list of the areas at public buildings designated for the gathering of signatures on a petition.

2. Before a person may use an area designated pursuant to subsection 1, the person must notify the public officer or employee in control of the operation of the building governed by subsection 1 of the dates and times that the person intends to use the area to gather signatures on a petition. The public officer or employee may not deny the person the use of the area.

3. Not later than 3 working days after the date of the decision that aggrieved the person, a person aggrieved by a decision made by a public officer or employee pursuant to subsection 1 or 2 may appeal the decision to the Secretary of State. The Secretary of State shall review the decision to determine whether the public officer or employee violated subsection 1 or 2. If the Secretary of State determines a public officer or employee violated subsection 1 or 2 and that a person was denied the use of a public building for the purpose of gathering signatures on a petition, the Secretary of State shall order that the deadline for filing the petition provided pursuant to NRS 293.128, 293.165, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110 must be extended for a period equal to the time that the person was denied the use of a public building for the purpose of gathering signatures on a petition,

but in no event may the deadline be extended for a period of more than 5 days.

4. The decision of the Secretary of State is a final decision for the purposes of judicial review. Not later than 7 days after the date of the decision by the Secretary of State, the decision of the Secretary of State may only be appealed in the First Judicial District Court. If the First Judicial District Court determines that the public officer or employee violated subsection 1 or 2 and that a person was denied the use of a public building for the purpose of gathering signatures on a petition, the Court shall order that the deadline for filing the petition provided pursuant to NRS 293.128, 293.165, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110 must be extended for a period equal to the time that the person was denied the use of a public building for the purpose of gathering signatures on a petition, but in no event may the deadline be extended for a period of more than 5 days.

5. The Secretary of State may adopt regulations to carry out the provisions of subsection 3.

(Added to NRS by 2001, 1347; A 2005, 1432, 2828)

NRS 293.12757 Qualification to sign petition. A person may sign a petition required under the election laws of this State on or after the date the person is deemed to be registered to vote pursuant to NRS 293.517 or subsection 7 of NRS 293.5235.

(Added to NRS by 1999, 3546; A 2005, 2829; 2007, 2582)

NRS 293.12758 Receipt issued by county clerk; requirements for petition.

1. The county clerk shall issue a receipt to any person who submits a petition for the verification of signatures or a petition, declaration of or acceptance of candidacy. The receipt must state:

(a) The number of documents submitted;

(b) The number of pages of each document; and

(c) The number of signatures which the person declares are on the petition.

2. If a petition consists of more than one document, all of the documents must be submitted to the county clerk for verification at the same time.

3. The county clerk shall not accept a petition unless each page of the petition is numbered.

4. Each signature on the petition must be signed in ink. The county clerk shall disregard any signature which is not signed in ink.

5. As used in this section, “document” includes material which is separately compiled and bound together and may consist of one or more sheets of paper.

(Added to NRS by 1993, 2664)

NRS 293.1276 County clerk to forward number of signatures to Secretary of State; notice of failure to file required number of signatures; handling of petition; regulations.

1. Within 4 days, excluding Saturdays, Sundays and holidays, after the submission of a petition containing signatures which are required to be verified pursuant to NRS 293.128, 293.165, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110, the county clerk shall determine the total number of signatures affixed to the documents and, in the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, shall tally the number of signatures for each petition district contained fully or partially within the county and forward that information to the Secretary of State.

2. If the Secretary of State finds that the total number of signatures filed with all the county clerks is less than 100 percent of the required number of registered voters, the Secretary of State shall so notify the person who submitted the petition and the county clerks and no further action may be taken in regard to the petition. If the petition is a petition to recall a county, district or municipal officer, the Secretary of State shall also notify the officer with whom the petition is to be filed.

3. After the petition is submitted to the county clerk, it must not be handled by any other person except by an employee of the county clerk's office until it is filed with the Secretary of State.

4. The Secretary of State may adopt regulations establishing procedures to carry out the provisions of this section.

(Added to NRS by 1985, 1090; A 1987, 1361; 1993, 2665; 1997, 750; 1999, 2147; 2009, 2588; 2011, 1784, 3271)

NRS 293.1277 Verification of signatures by county clerks; regulations.

1. If the Secretary of State finds that the total number of signatures submitted to all the county clerks is 100 percent or more of the number of registered voters needed to declare the petition sufficient, the Secretary of State shall immediately so notify the county clerks. Within 9 days, excluding Saturdays, Sundays and holidays, after notification, each of the county clerks shall determine the number of registered voters who have signed the documents submitted in the county clerk's county and, in the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, shall tally the number of signatures for each petition district contained or fully contained within the county clerk's county. For the purpose of verification pursuant to this section, the county clerk shall not include in his or her tally of total signatures any signature included in the incorrect petition district.

2. Except as otherwise provided in subsection 3, if more than 500 names have been signed on the documents submitted to a county clerk, the county clerk shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerk is given an equal opportunity to be included in the sample. The sample must include an examination of at least 500 or 5 percent of the signatures, whichever is greater. If documents were submitted to the county clerk for more than one petition district wholly contained within that county, a separate random sample must be performed for each petition district.

3. If a petition district comprises more than one county and the petition is for an initiative or referendum proposing a constitutional amendment or a statewide measure, and if more than 500 names have been signed on the documents submitted for that petition district, the appropriate county clerks shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerks within the petition district is given an equal opportunity to be included in the sample. The sample must include an examination of at least 500 or 5 percent of the signatures presented in the petition district, whichever is greater. The Secretary of State shall determine the number of signatures that must be verified by each county clerk within the petition district.

4. In determining from the records of registration the number of registered voters who signed the documents, the county clerk may use the signatures contained in the file of applications to register to vote. If the county clerk uses that file, the county clerk shall ensure that every application in the file is examined, including any application in his or her possession which may not yet be entered into the county clerk's records. Except as otherwise provided in this subsection, the county clerk shall rely only on the appearance of the signature and the address and date included with each signature in making his or her determination. If, pursuant to NRS 293.506, a county clerk establishes a system to allow persons to register to vote by computer, the county clerk may rely on such other indicia as prescribed by the Secretary of State in making his or her determination.

5. In the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, when the county clerk is determining the number of registered voters who signed the documents from each petition district contained fully or partially within the county clerk's county, he or she must use the statewide voter registration list available pursuant to NRS 293.675.

6. Except as otherwise provided in subsection 8, upon completing the examination, the county clerk shall immediately attach to the documents a certificate properly dated, showing the result of the examination, including the tally of signatures by petition district, if required, and transmit the documents

with the certificate to the Secretary of State. In the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, if a petition district comprises more than one county, the appropriate county clerks shall comply with the regulations adopted by the Secretary of State pursuant to this section to complete the certificate. A copy of this certificate must be filed in the clerk's office. When the county clerk transmits the certificate to the Secretary of State, the county clerk shall notify the Secretary of State of the number of requests to remove a name received by the county clerk pursuant to NRS 295.055 or 306.015.

7. A person who submits a petition to the county clerk which is required to be verified pursuant to NRS 293.128, 293.165, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110 must be allowed to witness the verification of the signatures. A public officer who is the subject of a recall petition must also be allowed to witness the verification of the signatures on the petition.

8. For any petition containing signatures which are required to be verified pursuant to the provisions of NRS 293.165, 293.200, 306.035 or 306.110 for any county, district or municipal office within one county, the county clerk shall not transmit to the Secretary of State the documents containing the signatures of the registered voters.

9. The Secretary of State shall by regulation establish further procedures for carrying out the provisions of this section.

(Added to NRS by 1985, 1090; A 1987, 1361; 1993, 2665; 1995, 2257; 1997, 750; 1999, 2147; 2001, 641; 2009, 2588; 2011, 1784, 2083, 3271)

NRS 293.1278 Qualification or disqualification of petition upon receipt of certificates or amended certificates by Secretary of State.

1. If the certificates received by the Secretary of State from all the county clerks establish that the number of valid signatures is less than 90 percent of the required number of registered voters, the petition shall be deemed to have failed to qualify, and the Secretary of State shall immediately so notify the petitioners and the county clerks.

2. If those certificates establish that the number of valid signatures is equal to or more than the sum of 100 percent of the number of registered voters needed to make the petition sufficient plus the total number of requests to remove a name received by the county clerks pursuant to NRS 295.055 or 306.015 and, in the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, that the petition has the minimum number of signatures required for each petition district, the petition shall be deemed to qualify as of the date of receipt by the Secretary of State of those certificates, and the Secretary of State shall immediately so notify the petitioners and the county clerks.

3. If the certificates establish that the petitioners have 100 percent or more of the number of registered voters needed to make the petition sufficient but

the petition fails to qualify pursuant to subsection 2, each county clerk who received a request to remove a name pursuant to NRS 295.055 or 306.015 shall remove each name as requested, amend the certificate and transmit the amended certificate to the Secretary of State. If the amended certificates establish that the petitioners have 100 percent or more of the number of registered voters needed to make the petition sufficient and, in the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, that the petition has the minimum number of signatures required for each petition district, the petition shall be deemed to qualify as of the date of receipt by the Secretary of State of the amended certificates, and the Secretary of State shall immediately so notify the petitioners and the county clerks.
(Added to NRS by 1985, 1091; A 1993, 2666; 2001, 642; 2009, 2589; 2011, 1786, 3273)

NRS 293.1279 Qualification or disqualification of petition upon verification of signatures; regulations.

1. If the statistical sampling shows that the number of valid signatures filed is 90 percent or more, but less than the sum of 100 percent of the number of signatures of registered voters needed to declare the petition sufficient plus the total number of requests to remove a name received by the county clerks pursuant to NRS 295.055 or 306.015, the Secretary of State shall order the county clerks to examine the signatures for verification. The county clerks shall examine the signatures for verification until they determine that 100 percent of the number of signatures of registered voters needed to declare the petition sufficient are valid. If the county clerks received a request to remove a name pursuant to NRS 295.055 or 306.015, the county clerks may not determine that 100 percent of the number of signatures of registered voters needed to declare the petition sufficient are valid until they have removed each name as requested pursuant to NRS 295.055 or 306.015.
2. Except as otherwise provided in this subsection, if the statistical sampling shows that the number of valid signatures filed in any county is 90 percent or more but less than the sum of 100 percent of the number of signatures of registered voters needed to constitute 10 percent of the number of voters who voted at the last preceding general election in that county plus the total number of requests to remove a name received by the county clerk in that county pursuant to NRS 295.055 or 306.015, the Secretary of State may order the county clerk in that county to examine every signature for verification. If the county clerk received a request to remove a name pursuant to NRS 295.055 or 306.015, the county clerk may not determine that 100 percent or more of the number of signatures of registered voters needed to constitute 10 percent of the number of voters who voted at the last preceding general election in that county are valid until the county clerk has removed each name

as requested pursuant to NRS 295.055 or 306.015. In the case of a petition for initiative or referendum that proposes a constitutional amendment or statewide measure, if the statistical sampling shows that the number of valid signatures in any petition district is 90 percent or more but less than the sum of 100 percent of the number of signatures of registered voters required for that petition district pursuant to NRS 295.012 plus the total number of requests to remove a name received by the county clerk or county clerks, if the petition district comprises more than one county, pursuant to NRS 295.055, the Secretary of State may order a county clerk to examine every signature for verification.

3. Within 12 days, excluding Saturdays, Sundays and holidays, after receipt of such an order, the county clerk or county clerks shall determine from the records of registration what number of registered voters have signed the petition and, if appropriate, tally those signatures by petition district. If necessary, the board of county commissioners shall allow the county clerk additional assistants for examining the signatures and provide for their compensation. In determining from the records of registration what number of registered voters have signed the petition and in determining in which petition district the voters reside, the county clerk must use the statewide voter registration list. The county clerk may rely on the appearance of the signature and the address and date included with each signature in determining the number of registered voters that signed the petition.

4. Except as otherwise provided in subsection 5, upon completing the examination, the county clerk or county clerks shall immediately attach to the documents of the petition an amended certificate, properly dated, showing the result of the examination and shall immediately forward the documents with the amended certificate to the Secretary of State. A copy of the amended certificate must be filed in the county clerk's office. In the case of a petition for initiative or referendum to propose a constitutional amendment or statewide measure, if a petition district comprises more than one county, the county clerks shall comply with the regulations adopted by the Secretary of State pursuant to this section to complete the amended certificate.

5. For any petition containing signatures which are required to be verified pursuant to the provisions of NRS 293.165, 293.200, 306.035 or 306.110 for any county, district or municipal office within one county, the county clerk shall not forward to the Secretary of State the documents containing the signatures of the registered voters.

6. Except for a petition to recall a county, district or municipal officer, the petition shall be deemed filed with the Secretary of State as of the date on which the Secretary of State receives certificates from the county clerks showing the petition to be signed by the requisite number of voters of the State.

7. If the amended certificates received from all county clerks by the Secretary of State establish that the petition is still insufficient, the Secretary

of State shall immediately so notify the petitioners and the county clerks. If the petition is a petition to recall a county, district or municipal officer, the Secretary of State shall also notify the officer with whom the petition is to be filed.

8. The Secretary of State shall adopt regulations to carry out the provisions of this section.

(Added to NRS by 1985, 1091; A 1985, 551; 1987, 1362; 1993, 2666; 1997, 751; 1999, 2148; 2001, 642; 2003, 2174; 2007, 2742; 2009, 2590; 2011, 1786, 3273)

NRS 293.12793 Appeal with secretary of state contesting verification of votes; notification of public officer who is subject of petition to recall; consideration and investigation of allegations.

1. If the secretary of state determines that the total number of signatures that the county clerks have certified pursuant to NRS 293.1277 or 293.1279 is less than 100 percent of the number of registered voters needed to make the petition sufficient, the person who submitted the petition may contest the verification of the signatures by filing an appeal with the secretary of state. The appeal must:

(a) Be filed within 5 working days after receipt of notification of the determination of the secretary of state;

(b) Include each reason for the appeal; and

(c) Include a statement of the number of signatures, if any, that the county clerk determined were invalid.

2. The secretary of state shall:

(a) If the petition was circulated pursuant to chapter 306 of NRS, immediately notify the public officer who is the subject of the petition of the appeal by the person who submitted the petition; and

(b) Consider the allegations and conduct an investigation, if necessary.

(Added to NRS by 1993, 2664; A 1997, 752; 1999, 3546)

NRS 293.12795 Action by secretary of state upon review of appeal; judicial review of decision of secretary of state.

1. If an appeal is based upon the results of the verification of signatures on a petition performed pursuant to NRS 293.1277 or 293.1279, the secretary of state shall:

(a) If he finds for the appellant, order the county clerk to recertify the petition, including as verified signatures all contested signatures which the secretary of state determines are valid. If the county clerk has not yet removed each name as requested pursuant to NRS 295.055 or 306.015, the county clerk shall do so before recertifying the petition.

(b) If he does not find for the appellant, notify the appellant and the county clerk that the petition remains insufficient.

2. If the secretary of state is unable to make a decision on the appeal based upon the documents submitted to him, the secretary of state may order the county clerk to re-verify the signatures.

3. The decision of the secretary of state is a final decision for the purposes of judicial review. The decision of the secretary of state may only be appealed in the first judicial district court.

(Added to NRS by 1993, 2664; A 2001, 643)

NRS 293.165 Procedure for filling vacancy in major or minor political party nomination or nonpartisan nomination.

1. Except as otherwise provided in NRS 293.166, a vacancy occurring in a major or minor political party nomination for a partisan office may be filled by a candidate designated by the party central committee of the county or State, as the case may be, of the major political party or by the executive committee of the minor political party subject to the provisions of subsections 3, 4 and 5.

2. A vacancy occurring in a nonpartisan office or nomination for a nonpartisan office after the close of filing and before 5 p.m. of the fourth Friday in June of the year in which the general election is held must be filled by the person who receives or received the next highest vote for the nomination in the primary election if a primary election was held for that nonpartisan office. If no primary election was held
for that nonpartisan office or if there was not more than one person who was seeking the nonpartisan nomination in the primary election, a person may become a candidate for the nonpartisan office at the general election if the person files a declaration of candidacy or acceptance of candidacy, and pays the fee required by NRS 293.193, on or after 8 a.m. on the third Monday in June and before 5 p.m. on the fourth Friday in June.

3. If a vacancy occurs in a major political party nomination for a partisan office after the Primary election and before 5 p.m. on the fourth Friday in June of the year in which the general election is held and:

(a) The vacancy occurs because the nominee dies or is adjudicated insane or mentally incompetent, the vacancy may be filled by a candidate designated by the party central committee of the county or State, as the case may be, of the major political party.

(b) The vacancy occurs for a reason other than the reasons described in paragraph (a), the nominee's name must remain on the ballot for the general election and, if elected, a vacancy exists.

4. No change may be made on the ballot for the general election after 5 p.m. on the fourth Friday in June of the year in which the general election is held. If, after that time and date:

(a) A nominee dies or is adjudicated insane or mentally incompetent; or

(b) A vacancy in the nomination is otherwise created,

the nominee's name must remain on the ballot for the general election and, if elected, a vacancy exists.

5. All designations provided for in this section must be filed on or before 5 p.m. on the fourth Friday in June of the year in which the general election is held. In each case, the statutory filing fee must be paid and an acceptance of the designation must be filed on or before 5 p.m. on the date the designation is filed.

(Added to NRS by 1960, 242; A 1965, 668; 1967, 845; 1971, 437; 1981, 1698;1989, 2159; 1993, 2174; 1995, 2774; 1999, 2149, 3547; 2001, 274, 2947; 2003,1703; 2005, 1432; 2009, 1259; 2011, 3275; 2013, 1178, 2370)

NRS 293.166 Procedure for filling vacancy in party nomination for office of State Legislator from multicounty legislative district.

1. A vacancy occurring in a party nomination for the office of State Senator, Assemblyman or Assemblywoman from a legislative district comprising more than one county may be filled as follows, subject to the provisions of subsections 2 and 3. The county commissioners of each county, all or part of which is included within the legislative district, shall meet to appoint a person who is of the same political party as the former nominee and who actually, as opposed to constructively, resides in the district to fill the vacancy, with the chair of the board of county commissioners of the county whose population residing within the district is the greatest presiding. Each board of county commissioners shall first meet separately and determine the single candidate it will nominate to fill the vacancy. Then, the boards shall meet jointly and the chairs on behalf of the boards shall cast a proportionate number of votes according to the percent, rounded to the nearest whole percent, which the population of its county is of the population of the entire district. Populations must be determined by the last decennial census or special census conducted by the Bureau of the Census of the United States Department of Commerce. The person who receives a plurality of these votes is appointed to fill the vacancy. If no person receives a plurality of the votes, the boards of county commissioners of the respective counties shall each as a group select one candidate, and the nominee must be chosen by drawing lots among the persons so selected.

2. No change may be made on the ballot after the fourth Friday in June of the year in which the general election is held. If a nominee dies after that date, the nominee's name must remain on the ballot and, if elected, a vacancy exists.

3. The designation of a nominee pursuant to this section must be filed with the Secretary of State on or before 5 p.m. on the fourth Friday in June of the

year in which the general election is held, and the statutory filing fee must be paid with the designation.
(Added to NRS by 1967, 1087; A 1971, 437; 1981, 1699; 1989, 2159; 1999, 2150; 2005, 1433; 2011, 3276)

NRS 293.167 Nomination of party candidates for United States Senator or Representative in Congress. Party candidates for United States Senator and Representative in Congress shall be nominated in the same manner as state officers are nominated. (Added to NRS by 1960, 242)

MINOR POLITICAL PARTIES

NRS 293.171 Procedure for organization.
1. To be organized as a minor political party, an organization must file with the Secretary of State a certificate of existence which includes the:
(a) Name of the political party;
(b) Names of its officers;
(c) Names of the members of its executive committee; and
(d) Name of the person authorized to file the list of its candidates for partisan office with the Secretary of State.
2. A copy of the constitution or bylaws of the party must be affixed to the certificate.
3. A minor political party shall file with the Secretary of State an amended certificate of existence within 5 days after any change in the information contained in the certificate.
4. The constitution or bylaws of a minor political party must provide a procedure for the nomination of its candidates in such a manner that only one candidate may be nominated for each office.
5. A minor political party whose candidates for partisan office do not appear on the ballot for the general election must file a notice of continued existence with the Secretary of State not later than the second Friday in August preceding the general election.
6. A minor political party which fails to file a notice of continued existence as required by subsection 5 ceases to exist as a minor political party in this State.
(Added to NRS by 1987, 1359; A 1989, 2160; 1999, 3548; 2011, 3276)

NRS 293.1715 Procedure to place candidates' names on ballot; limitation on number of candidates to appear on ballot.
1. The names of the candidates for partisan office of a minor political party must not appear on the ballot for a primary election.
2. The names of the candidates for partisan office of a minor political party must be placed on the ballot for the general election if the minor political party is qualified. To qualify as a minor political party, the minor political party must have filed a certificate of existence and be organized pursuant to

NRS 293.171, must have filed a list of its candidates for partisan office pursuant to the provisions of NRS 293.1725 with the Secretary of State and:

(a) At the last preceding general election, the minor political party must have polled for any of its candidates for partisan office a number of votes equal to or more than 1 percent of the total number of votes cast for the offices of Representative in Congress;

(b) On January 1 preceding a primary election, the minor political party must have been designated as the political party on the applications to register to vote of at least 1 percent of the total number of registered voters in this State; or

(c) Not later than the third Friday in May preceding the general election, must file a petition with the Secretary of State which is signed by a number of registered voters equal to at least 1 percent of the total number of votes cast at the last preceding general election for the offices of Representative in Congress.

3. The name of only one candidate of each minor political party for each partisan office may appear on the ballot for a general election.

4. A minor political party must file a copy of the petition required by paragraph (c) of subsection 2 with the Secretary of State before the petition may be circulated for signatures.

(Added to NRS by 1987, 1360; A 1989, 2160; 1993, 2174; 1995, 2259; 1999, 1389, 3548; 2003, 1641; 2009, 1260; 2011, 3277)

NRS 293.172 Contents of petition required to place candidates' names on ballot; limitation on who may sign petition; requirements for signing.

1. A petition filed pursuant to subsection 2 of NRS 293.1715 may consist of more than one document. Each document of the petition must:

(a) Bear the name of the minor political party and, if applicable, the candidate and office to which the candidate is to be nominated.

(b) Include the affidavit of the person who circulated the document verifying that the signers are registered voters in this State according to his or her best information and belief and that the signatures are genuine and were signed in his or her presence.

(c) Bear the name of a county and be submitted to the county clerk of that county for verification in the manner prescribed in NRS 293.1276 to 293.1279, inclusive, not later than 10 working days before the last day to file the petition. A challenge to the form of a document must be made in a district court in the county that is named on the document.

(d) Be signed only by registered voters of the county that is named on the document.

2. If the office to which the candidate is to be nominated is a county office, only the registered voters of that county may sign the petition. If the office to

which the candidate is to be nominated is a district office, only the registered voters of that district may sign the petition.
3. Each person who signs a petition shall also provide the address of the place where he or she resides, the date that he or she signs and the name of the county in which he or she is registered to vote.
4. The county clerk shall not disqualify the signature of a voter who failed to provide all the information required by subsection 3 if the voter is registered in the county named on the document.
(Added to NRS by 1987, 1360; A 1993, 2667; 1999, 1390, 3549; 2011, 3278)

NRS 293.1725 Candidates: Submission of list to Secretary of State; filing of declaration of candidacy and certificate of nomination.
1. Except as otherwise provided in subsection 4, a minor political party that wishes to place its candidates for partisan office on the ballot for a general election and:
(a) Is entitled to do so pursuant to paragraph (a) or (b) of subsection 2 of NRS 293.1715; or
(b) Files or will file a petition pursuant to paragraph (c) of subsection 2 of NRS 293.1715,
➥ must file with the Secretary of State a list of its candidates for partisan office not earlier than the first Monday in March preceding the election nor later than 5 p.m. on the second Friday after the first Monday in March. The list must be signed by the person so authorized in the certificate of existence of the minor political party before a notary public or other person authorized to take acknowledgments. The list may be amended not later than 5 p.m. on the second Friday after the first Monday in March.
2. The Secretary of State shall immediately forward a certified copy of the list of candidates for partisan office of each minor political party to the filing officer with whom each candidate must file his or her declaration of candidacy.
3. Each candidate on the list must file his or her declaration of candidacy with the appropriate filing officer and pay the fee required by NRS 293.193 not earlier than the date on which the list of candidates for partisan office of the minor political party is filed with the Secretary of State nor later than 5 p.m. on the second Friday after the first Monday in March.
4. A minor political party that wishes to place candidates for the offices of President and Vice President of the United States on the ballot and has qualified to place the names of its candidates for partisan office on the ballot for the general election pursuant to subsection 2 of NRS 293.1715 must file with the Secretary of State a certificate of nomination for these offices not later than the last Tuesday in August.
(Added to NRS by 1987, 1360; A 1989, 2161; 1993, 2175; 1997, 316; 1999, 1391, 3550; 2003, 1642; 2009, 1261; 2011, 3278; 2013, 2371)

NRS 293.174 Challenge of qualification.
If the qualification of a minor political party to place the names of candidates on the ballot pursuant to NRS 293.1715 is challenged, all affidavits and documents in support of the challenge must be filed not later than 5 p.m. on the third Friday in June. Any judicial proceeding resulting from the challenge must be set for hearing not more than 5 days after the third Friday in June. A challenge pursuant to this section must be filed with the First Judicial District Court if the petition was filed with the Secretary of State.
(Added to NRS by 1987, 1361; A 1999, 1392; 2009, 1262; 2011, 3279)

NOMINATIONS

NRS 293.175 Date of primary election; nomination of candidates; applicability of provisions governing nominations.
1. The primary election must be held on the second Tuesday in June of each even-numbered year.
2. Candidates for partisan office of a major political party and candidates for nonpartisan office must be nominated at the primary election.
3. Candidates for partisan office of a minor political party must be nominated in the manner prescribed pursuant to NRS 293.171 to 293.174, inclusive.
4. Independent candidates for partisan office must be nominated in the manner provided in NRS 293.200.
5. The provisions of NRS 293.175 to 293.203, inclusive, do not apply to:
(a) Special elections to fill vacancies.
(b) The nomination of the officers of incorporated cities.
(c) The nomination of district officers whose nomination is otherwise provided for by statute.
(Added to NRS by 1960, 243; A 1963, 1387; 1983, 1116; 1985, 268; 1987, 1366; 1989, 226; 1999, 1392, 3550; 2001, 672; 2005, 1434; 2009, 1262)

NRS 293.1755 Residency requirements for candidates; penalty for knowingly and willfully making false statement concerning residency on declaration or acceptance of candidacy; exception.
1. In addition to any other requirement provided by law, no person may be a candidate for any office unless, for at least the 30 days immediately preceding the date of the close of filing of declarations of candidacy or acceptances of candidacy for the office which he seeks, he has, in accordance with NRS 281.050, actually, as opposed to constructively, resided in the state, district, county, township or other area prescribed by law to which the office pertains and, if elected, over which he will have jurisdiction or which he will represent.

2. Any person who knowingly and willfully files an acceptance of candidacy or declaration of candidacy which contains a false statement in this respect is guilty of a gross misdemeanor.

3. The provisions of this section do not apply to candidates for the office of district attorney.

(Added to NRS by 1975, 617; A 1983, 1103; 1989, 2161; 1997, 3447; 1999, 2151; 2001, 673)

NAC CHAPTER 293
ELECTIONS

NAC 293.182 Requirements for individual documents of petitions other than initiative and referendum petitions. (NRS 293.124, 293.247)

1. A person who submits a petition that consists of more than one document to the county clerk for verification of the signatures shall sequentially number each page of each document in the petition, beginning with the number 1.

2. If a petition consists of more than one document, each of those documents must, in addition to any other requirements:

(a) Contain sequentially numbered spaces for:

(1) The name of each person signing the petition.

(2) The signature of the person signing the petition.

(3) The street address of the residence where the person signing the petition actually resides, unless a street address has not been assigned. If a street address has not been assigned, the document may contain the mailing address of the person signing the petition.

(4) The name of the county where the person is a registered voter.

(5) The date of the signature.

(b) Have attached to it, when filed, an affidavit signed by the person who circulated the document in substantially the following form:

STATE OF NEVADA
COUNTY OF _____

I, _____ (print name), being first duly sworn under penalty of perjury, depose and say: (1) that I reside at _____ (print street, city and state); (2) that I am 18 years of age or older; (3) that I personally circulated this document; (4) that all signatures were affixed in my presence; (5) that I believe each person who signed was at the time of signing a registered voter in the county of his or her residence; and (6) that the number of signatures affixed thereon is _____.

_____
Signature of circulator

Subscribed and sworn to or affirmed
before me this ____ day of ____, _____.

_____
Notary public or other person licensed
to administer an oath

3. Any document of a petition may consist of more than one page. If a document consists of more than one page:

(a) Each page, including a blank signature page, must be numbered sequentially, beginning with the number 1 for each document;

(b) All the pages must be stapled, bound or attached in a similar manner that does not include the use of paper clips, rubber bands or binder clips and must be placed in numerical order; and

(c) The affidavit required by paragraph (b) of subsection 2 must appear on the last pages of the document.

4. As used in this section, "petition" means a petition containing signatures which are required to be verified pursuant to NRS 293.128, 293.165, 293.172, 293.200, 298.109, 306.015, 306.035 or 306.110.

(Added to NAC by Sec'y of State, eff. 3-15-96; A by R013-00, 4-4-2000; R183-01, 5-10-2002; R072-06, 7-14-2006; R092-09, 10-27-2009)

Senate Bill No. 499–Committee on
Legislative Operations and Elections

CHAPTER.....

AN ACT relating to elections; revising deadlines by which certain signature petitions of minor political parties and independent candidates for office must be submitted and filed; revising deadlines by which signatures of certain signature petitions must be verified; revising deadlines by which certain vacancies in nominations for office must be filled; revising deadlines by which certain challenges to candidacies must be filed; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the names of candidates for a partisan office of a minor political party do not appear on the ballot at a primary election. Instead, if the minor political party has qualified as such, either by receiving a certain percentage of votes at the preceding election or by collecting a certain number of signatures, the party can name one candidate for each partisan office, and the name of each such candidate must appear on the general election ballot. (NRS 293.1715) The names of independent candidates for a partisan office also do not appear on the ballot at a primary election. Instead, a person wishing to run as an independent candidate can be named as such on the general election ballot if he or she files a petition with a certain number of signatures. (NRS 293.200)

This bill changes the deadlines by which those petitions for minor political parties and independent candidates must be filed and the deadlines for verifying the signatures on those petitions.

Under existing law, if a minor political party wishes to place a candidate on the ballot for a general election by collecting a certain number of signatures, it must file the petition with the signatures with the Secretary of State not later than the third Friday in May before the general election. (NRS 293.1715) It must also have submitted the petition with the signatures to the applicable county clerk not later than 25 days before that May deadline. (NRS 293.172) A person wishing to run as an independent candidate must file a petition with the requisite number of signatures not later than the second Friday after the first Monday in March, and must have submitted a copy of the petition not later than 25 days before that March deadline. (NRS 293.200) A county clerk who receives those petitions must verify

the signatures on the petitions within 25 days. (NRS 293.1276, 293.1277, 293.1279)

Sections 8 and 15.5 of this bill change the deadlines for minor political parties and independent candidates, respectively, to file their petitions with signatures to the third Friday in June before the general election. **Sections 9 and 15.5** of this bill change the deadlines for submitting those petitions to the county clerk to not later than 10 days before the filing deadline. **Sections 2-4** of this bill change the deadline for a county clerk to verify the signatures on each petition from 25 days to 10 days.

Under existing law, certain vacancies in nominations must be filled not later than the fourth Friday in June of an election year. (NRS 293.165, 293.166, 293.368) **Sections 5, 6 and 21** of this bill change that deadline to the fourth Friday in July of an election year.

Existing law requires a challenge to the qualification of a minor political party to place the names of candidates on the ballot to be filed in a district court not later

than the third Friday in June of an election year. (NRS 293.174) **Section 10** of this bill changes that deadline to the fourth Friday in June. A challenge to the candidacy of an independent candidate must also be filed in district court not later than the third Friday in June. (NRS 293.200) **Section 15.5** of this bill requires that any challenge to the sufficiency of a petition of an independent candidate must be filed in district court also not later than the fourth Friday in June of an election year.

Under existing law, in certain situations in which only one major political party has candidates for a partisan office and there are no minor political party or independent candidates for the office, a primary election is not held and the names of the candidates of the major political party all appear on the ballot at the general election. (NRS 293.260) **Section 17** of this bill provides that, if a major political party has two or more candidates for an office, there must be a primary election regardless of whether there are any minor political party or independent candidates for the office.

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. NRS 293.1276 is hereby amended to read as follows:

293.1276 1. Within 4 days, excluding Saturdays, Sundays and holidays, after the submission of a petition containing signatures which are required to be verified pursuant to NRS 293.128, ~~[293.172, 293.200,]~~ 295.056, 298.109, 306.035 or 306.110, ***and within 2 days, excluding Saturdays, Sundays and holidays, after the submission of a petition containing signatures which are required to be verified pursuant to NRS 293.172 or 293.200,*** the county clerk shall determine the total number of signatures affixed to the documents and, in the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, shall tally the number of signatures for each petition district contained fully or partially within the county and forward that information to the Secretary of State.

2. If the Secretary of State finds that the total number of signatures filed with all the county clerks is less than 100 percent of the required number of registered voters, the Secretary of State shall so notify the person who submitted the petition and the county clerks and no further action may be taken in regard to the petition. If the petition is a petition to recall a county, district or municipal officer, the Secretary of State shall also notify the officer with whom the petition is to be filed.

3. After the petition is submitted to the county clerk, it must not be handled by any other person except by an employee of the county clerk's office until it is filed with the Secretary of State.

4. The Secretary of State may adopt regulations establishing procedures to carry out the provisions of this section.

Sec. 3. NRS 293.1277 is hereby amended to read as follows:

293.1277 1. If the Secretary of State finds that the total number of signatures submitted to all the county clerks is 100 percent or more of the number of registered voters needed to declare the petition sufficient, the Secretary of State shall immediately so notify the county clerks. ~~[Within 9 days, excluding Saturdays, Sundays and holidays, after]~~ ***After the*** notification, each of the county clerks shall determine the number of registered voters who have signed the documents submitted in the county clerk's county and, in the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, shall tally the number of signatures for each petition district contained or fully contained within the county clerk's county. ***This determination must be completed within 9 days, excluding Saturdays, Sundays and holidays, after the notification pursuant to this subsection regarding a petition containing signatures which are required to be verified pursuant to NRS 293.128, 295.056, 298.109, 306.035 or 306.110, and within 3 days, excluding Saturdays, Sundays and holidays, after the notification pursuant to this subsection regarding a petition containing signatures which are required to be verified pursuant to NRS 293.172 or 293.200.*** For the purpose of verification pursuant to this section, the county clerk shall not include in his or her tally of total signatures any signature included in the incorrect petition district.

2. Except as otherwise provided in subsection 3, if more than 500 names have been signed on the documents submitted to a county clerk, the county clerk shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerk is given an equal opportunity to be included in the sample. The sample must include an examination of at least 500 or 5 percent of the signatures, whichever is greater. If documents were submitted to the county clerk for more than one petition district wholly contained within that county, a separate random sample must be performed for each petition district.

3. If a petition district comprises more than one county and the petition is for an initiative or referendum proposing a constitutional amendment or a statewide measure, and if more than 500 names have been signed on the documents submitted for that petition district, the appropriate county clerks shall examine the signatures

by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerks within the petition district is given an equal opportunity to be included in the sample. The sample must include an examination of at least 500 or 5 percent of the signatures presented in the petition district, whichever is greater. The Secretary of State shall determine the number of signatures that must be verified by each county clerk within the petition district.

4. In determining from the records of registration the number of registered voters who signed the documents, the county clerk may use the signatures contained in the file of applications to register to vote. If the county clerk uses that file, the county clerk shall ensure that every application in the file is examined, including any application in his or her possession which may not yet be entered into the county clerk's records. Except as otherwise provided in subsection 5, the county clerk shall rely only on the appearance of the signature and the address and date included with each signature in making his or her determination.

5. If:

(a) Pursuant to NRS 293.506, a county clerk establishes a system to allow persons to register to vote by computer; or

(b) A person registers to vote pursuant to NRS 293D.230 and signs his or her application to register to vote using a digital signature or an electronic signature,

the county clerk may rely on such other indicia as prescribed by the Secretary of State in making his or her determination.

6. In the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, when the county clerk is determining the number of registered voters who signed the documents from each petition district contained fully or partially within the county clerk's county, he or she must use the statewide voter registration list available pursuant to NRS 293.675.

7. Except as otherwise provided in subsection 9, upon completing the examination, the county clerk shall immediately attach to the documents a certificate properly dated, showing the result of the examination, including the tally of signatures by petition district, if required, and transmit the documents with the certificate to the Secretary of State. In the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, if a petition district comprises more than one county, the appropriate county clerks shall comply with the regulations adopted by the Secretary of State pursuant to this section

to complete the certificate. A copy of this certificate must be filed in the clerk's office. When the county clerk transmits the certificate to the Secretary of State, the county clerk shall notify the Secretary of State of the number of requests to remove a name received by the county clerk pursuant to NRS 295.055 or 306.015.

8. A person who submits a petition to the county clerk which is required to be verified pursuant to NRS 293.128, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110 must be allowed to witness the verification of the signatures. A public officer who is the subject of a recall petition must also be allowed to witness the verification of the signatures on the petition.

9. For any petition containing signatures which are required to be verified pursuant to the provisions of NRS 293.200, 306.035 or 306.110 for any county, district or municipal office within one county, the county clerk shall not transmit to the Secretary of State the documents containing the signatures of the registered voters.

10. The Secretary of State shall by regulation establish further procedures for carrying out the provisions of this section.

Sec. 4. NRS 293.1279 is hereby amended to read as follows:

293.1279 1. If the statistical sampling shows that the number of valid signatures filed is 90 percent or more, but less than the sum of 100 percent of the number of signatures of registered voters needed to declare the petition sufficient plus the total number of requests to remove a name received by the county clerks pursuant to NRS 295.055 or 306.015, the Secretary of State shall order the county clerks to examine the signatures for verification. The county clerks shall examine the signatures for verification until they determine that 100 percent of the number of signatures of registered voters needed to declare the petition sufficient are valid. If the county clerks received a request to remove a name pursuant to NRS 295.055 or 306.015, the county clerks may not determine that 100 percent of the number of signatures of registered voters needed to declare the petition sufficient are valid until they have removed each name as requested pursuant to NRS 295.055 or 306.015.

2. Except as otherwise provided in this subsection, if the statistical sampling shows that the number of valid signatures filed in any county is 90 percent or more but less than the sum of 100 percent of the number of signatures of registered voters needed to constitute 10 percent of the number of voters who voted at the last preceding general election in that county plus the total number of requests to remove a name received by the county clerk in that county pursuant to NRS 295.055 or 306.015, the Secretary of State may order the county clerk in that county to examine every

signature for verification. If the county clerk received a request to remove a name pursuant to NRS 295.055 or 306.015, the county clerk may not determine that 100 percent or more of the number of signatures of registered voters needed to constitute 10 percent of the number of voters who voted at the last preceding general election in that county are valid until the county clerk has removed each name as requested pursuant to NRS 295.055 or 306.015. In the case of a petition for initiative or referendum that proposes a constitutional amendment or statewide measure, if the statistical sampling shows that the number of valid signatures in any petition district is 90 percent or more but less than the sum of 100 percent of the number of signatures of registered voters required for that petition district pursuant to NRS 295.012 plus the total number of requests to remove a name received by the county clerk or county clerks, if the petition district comprises more than one county, pursuant to NRS 295.055, the Secretary of State may order a county clerk to examine every signature for verification.

3. ~~[Within 12 days, excluding Saturdays, Sundays and holidays, after]~~ ***After the*** receipt of such an order, the county clerk or county clerks shall determine from the records of registration what number of registered voters have signed the petition and, if appropriate, tally those signatures by petition district. ***This determination must be completed within 12 days, excluding Saturdays, Sundays and holidays, after the receipt of an order regarding a petition containing signatures which are required to be verified pursuant to NRS 293.128, 295.056, 298.109, 306.035 or 306.110, and within 5 days, excluding Saturdays, Sundays and holidays, after the receipt of an order regarding a petition containing signatures which are required to be verified pursuant to NRS 293.172 or 293.200.*** If necessary, the board of county commissioners shall allow the county clerk additional assistants for examining the signatures and provide for their compensation. In determining from the records of registration what number of registered voters have signed the petition and in determining in which petition district the voters reside, the county clerk must use the statewide voter registration list. The county clerk may rely on the appearance of the signature and the address and date included with each signature in determining the number of registered voters that signed the petition.

4. Except as otherwise provided in subsection 5, upon completing the examination, the county clerk or county clerks shall immediately attach to the documents of the petition an amended certificate, properly dated, showing the result of the examination

and shall immediately forward the documents with the amended certificate to the Secretary of State. A copy of the amended certificate must be filed in the county clerk's office. In the case of a petition for initiative or referendum to propose a constitutional amendment or statewide measure, if a petition district comprises more than one county, the county clerks shall comply with the regulations adopted by the Secretary of State pursuant to this section to complete the amended certificate.

5. For any petition containing signatures which are required to be verified pursuant to the provisions of NRS 293.200, 306.035 or 306.110 for any county, district or municipal office within one county, the county clerk shall not forward to the Secretary of State the documents containing the signatures of the registered voters.

6. Except for a petition to recall a county, district or municipal officer, the petition shall be deemed filed with the Secretary of State as of the date on which the Secretary of State receives certificates from the county clerks showing the petition to be signed by the requisite number of voters of the State.

7. If the amended certificates received from all county clerks by the Secretary of State establish that the petition is still insufficient, the Secretary of State shall immediately so notify the petitioners and the county clerks. If the petition is a petition to recall a county, district or municipal officer, the Secretary of State shall also notify the officer with whom the petition is to be filed.

8. The Secretary of State shall adopt regulations to carry out the provisions of this section.

Sec. 5. NRS 293.165 is hereby amended to read as follows:

293.165 1. Except as otherwise provided in NRS 293.166, a vacancy occurring in a major or minor political party nomination for a partisan office may be filled by a candidate designated by the party central committee of the county or State, as the case may be, of the major political party or by the executive committee of the minor political party subject to the provisions of subsections 3, 4 and 5.

2. A vacancy occurring in a nonpartisan office or nomination for a nonpartisan office after the close of filing and before 5 p.m. of the fourth Friday in ~~[June]~~ ***July*** of the year in which the general election is held must be filled by the person who receives or received the next highest vote for the nomination in the primary election if a primary election was held for that nonpartisan office. If no primary election was held for that nonpartisan office or if there was not more than one person who was seeking the nonpartisan nomination in the primary election, a person may become a

candidate for the nonpartisan office at the general election if the person files a declaration of candidacy or acceptance of candidacy, and pays the fee required by NRS 293.193, on or after 8 a.m. on the third Monday in June and before 5 p.m. on the fourth Friday in ~~[June.]~~ ***July.***

3. If a vacancy occurs in a major political party nomination for a partisan office after the primary election and before 5 p.m. on the fourth Friday in ~~[June]~~ ***July*** of the year in which the general election is held and:

(a) The vacancy occurs because the nominee dies or is adjudicated insane or mentally incompetent, the vacancy may be filled by a candidate designated by the party central committee of the county or State, as the case may be, of the major political party.

(b) The vacancy occurs for a reason other than the reasons described in paragraph (a), the nominee's name must remain on the ballot for the general election and, if elected, a vacancy exists.

4. No change may be made on the ballot for the general election after 5 p.m. on the fourth Friday in ~~[June]~~ ***July*** of the year in which the general election is held. If, after that time and date:

(a) A nominee dies or is adjudicated insane or mentally incompetent; or

(b) A vacancy in the nomination is otherwise created,

the nominee's name must remain on the ballot for the general election and, if elected, a vacancy exists.

5. All designations provided for in this section must be filed on or before 5 p.m. on the fourth Friday in ~~[June]~~ ***July*** of the year in which the general election is held. In each case, the statutory filing fee must be paid and an acceptance of the designation must be filed on or before 5 p.m. on the date the designation is filed.

Sec. 6. NRS 293.166 is hereby amended to read as follows:

293.166 1. A vacancy occurring in a party nomination for the office of State Senator, Assemblyman or Assemblywoman from a legislative district comprising more than one county may be filled as follows, subject to the provisions of subsections 2, 3 and 4. The county commissioners of each county, all or part of which is included within the legislative district, shall meet to appoint a person who is of the same political party as the former nominee and who actually, as opposed to constructively, resides in the district to fill the vacancy, with the chair of the board of county commissioners of the county whose population residing within the district is the greatest presiding. Each board of county commissioners shall first meet separately and determine the single candidate it will nominate to fill the vacancy. Then, the boards shall

meet jointly and the chairs on behalf of the boards shall cast a proportionate number of votes according to the percent, rounded to the nearest whole percent, which the population of its county is of the population of the entire district. Populations must be determined by the last decennial census or special census conducted by the Bureau of the Census of the United States Department of Commerce. The person who receives a plurality of these votes is appointed to fill the vacancy. If no person receives a plurality of the votes, the boards of county commissioners of the respective counties shall each as a group select one candidate, and the nominee must be chosen by drawing lots among the persons so selected.

2. If a vacancy occurs in a party nomination for the office of State Senator, Assemblyman or Assemblywoman from a legislative district comprising more than one county after the primary election and before 5 p.m. on the fourth Friday in ~~[June]~~ ***July*** of the year in which the general election is held and:

(a) The vacancy occurs because the nominee dies or is adjudicated insane or mentally incompetent, the vacancy may be filled pursuant to the provisions of subsection 1.

(b) The vacancy occurs for a reason other than the reasons described in paragraph (a), the nominee's name must remain on the ballot for the general election and, if elected, a vacancy exists.

3. No change may be made on the ballot for the general election after 5 p.m. on the fourth Friday in ~~[June]~~ ***July*** of the year in which the general election is held. If, after that time and date:

(a) A nominee dies or is adjudicated insane or mentally incompetent; or

(b) A vacancy in the nomination is otherwise created,

the nominee's name must remain on the ballot for the general election and, if elected, a vacancy exists.

4. The designation of a nominee pursuant to this section must be filed with the Secretary of State on or before 5 p.m. on the fourth Friday in ~~[June]~~ ***July*** of the year in which the general election is held, and the statutory filing fee must be paid with the designation.

Sec. 7. (Deleted by amendment.)

Sec. 8. NRS 293.1715 is hereby amended to read as follows:

293.1715 1. The names of the candidates for partisan office of a minor political party must not appear on the ballot for a primary election.

2. The names of the candidates for partisan office of a minor political party must be placed on the ballot for the general election if the minor political party is qualified. To qualify as a minor political party, the minor political party must have filed a certificate of

existence and be organized pursuant to NRS 293.171, must have filed a list of its candidates for partisan office pursuant to the provisions of NRS 293.1725 with the Secretary of State and:

(a) At the last preceding general election, the minor political party must have polled for any of its candidates for partisan office a number of votes equal to or more than 1 percent of the total number of votes cast for the offices of Representative in Congress;

(b) On January 1 preceding a primary election, the minor political party must have been designated as the political party on the applications to register to vote of at least 1 percent of the total number of registered voters in this State; or

(c) Not later than the third Friday in ~~[May]~~ ***June*** preceding the general election, must file a petition with the Secretary of State which is signed by a number of registered voters equal to at least 1 percent of the total number of votes cast at the last preceding general election for the offices of Representative in Congress.

3. The name of only one candidate of each minor political party for each partisan office may appear on the ballot for a general election.

4. A minor political party must file a copy of the petition required by paragraph (c) of subsection 2 with the Secretary of State before the petition may be circulated for signatures.

Sec. 9. NRS 293.172 is hereby amended to read as follows:

293.172 1. A petition filed pursuant to subsection 2 of NRS 293.1715 may consist of more than one document. Each document of the petition must:

(a) Bear the name of the minor political party and, if applicable, the candidate and office to which the candidate is to be nominated.

(b) Include the affidavit of the person who circulated the document verifying that the signers are registered voters in this State according to his or her best information and belief and that the signatures are genuine and were signed in his or her presence.

(c) Bear the name of a county and be submitted to the county clerk of that county for verification in the manner prescribed in NRS 293.1276 to 293.1279, inclusive, not later than ~~[25]~~ ***10*** working days before the last day to file the petition. A challenge to the form of a document must be made in a district court in the county that is named on the document.

(d) Be signed only by registered voters of the county that is named on the document.

2. If the office to which the candidate is to be nominated is a county office, only the registered voters of that county may sign the petition. If the office to which the candidate is to be nominated is a

district office, only the registered voters of that district may sign the petition.

3. Each person who signs a petition shall also provide the address of the place where he or she resides, the date that he or she signs and the name of the county in which he or she is registered to vote.

4. The county clerk shall not disqualify the signature of a voter who failed to provide all the information required by subsection 3 if the voter is registered in the county named on the document.

Sec. 10. NRS 293.174 is hereby amended to read as follows:

293.174 If the qualification of a minor political party to place the names of candidates on the ballot pursuant to NRS 293.1715 is challenged, all affidavits and documents in support of the challenge must be filed not later than 5 p.m. on the ~~[third]~~ ***fourth*** Friday in June. Any judicial proceeding resulting from the challenge must be set for hearing not more than 5 days after the ~~[third]~~ ***fourth*** Friday in June. A challenge pursuant to this section must be filed with the First Judicial District Court if the petition was filed with the Secretary of State. ***The district court in which the challenge is filed shall give priority to such proceedings over all other matters pending with the court, except for criminal proceedings.***

Secs. 11-15. (Deleted by amendment.)

Sec. 15.5. NRS 293.200 is hereby amended to read as follows:

293.200 1. An independent candidate for partisan office must file with the appropriate filing officer as set forth in NRS 293.185:

(a) A copy of the petition of candidacy that he or she intends to subsequently circulate for signatures. The copy must be filed not earlier than the January 2 preceding the date of the election and not later than ~~[25]~~ ***10*** working days before the last day to file the petition pursuant to subsection 4. The copy of the petition must be filed with the appropriate filing officer before the petition may be circulated for signatures.

(b) Either of the following:

(1) A petition of candidacy signed by a number of registered voters equal to at least 1 percent of the total number of ballots cast in:

(I) This State for that office at the last preceding general election in which a person was elected to that office, if the office is a statewide office;

(II) The county for that office at the last preceding general election in which a person was elected to that office, if the office is a county office; or

(III) The district for that office at the last preceding general election in which a person was elected to that office, if the office is a district office.

(2) A petition of candidacy signed by 250 registered voters if the candidate is a candidate for statewide office, or signed by 100 registered voters if the candidate is a candidate for any office other than a statewide office.

2. The petition may consist of more than one document. Each document must bear the name of the county in which it was circulated, and only registered voters of that county may sign the document. If the office is not a statewide office, only the registered voters of the county, district or municipality in question may sign the document. The documents that are circulated for signature in a county must be submitted to that county clerk for verification in the manner prescribed in NRS 293.1276 to 293.1279, inclusive, not later than ~~[25]~~ ***10*** working days before the last day to file the petition pursuant to subsection 4. Each person who signs the petition shall add to his or her signature the address of the place at which the person actually resides, the date that he or she signs the petition and the name of the county where he or she is registered to vote. The person who circulates each document of the petition shall sign an affidavit attesting that the signatures on the document are genuine to the best of his or her knowledge and belief and were signed in his or her presence by persons registered to vote in that county.

3. The petition of candidacy may state the principle, if any, which the person qualified represents.

4. Petitions of candidacy must be filed not earlier than the first Monday in March preceding the general election and not later than 5 p.m. on the ~~[second]~~ ***third*** Friday ~~[after the first Monday in March.]~~ ***in June.***

5. No petition of candidacy may contain the name of more than one candidate for each office to be filled.

6. A person may not file as an independent candidate if he or she is proposing to run as the candidate of a political party.

7. The names of independent candidates must be placed on the general election ballot and must not appear on the primary election ballot.

8. If ***the sufficiency of the petition of*** the candidacy of any person seeking to qualify pursuant to this section is challenged, all affidavits and documents in support of the challenge must be filed not later than 5 p.m. on the fourth ~~[Monday]~~ ***Friday*** in ~~[March.]~~ ***June.*** Any judicial proceeding resulting from the challenge must be

set for hearing not more than 5 days after the fourth ~~[Monday]~~ ***Friday*** in ~~[March.]~~ ***June.***

9. Any challenge pursuant to subsection 8 must be filed with:

(a) The First Judicial District Court if the petition of candidacy was filed with the Secretary of State.

(b) The district court for the county where the petition of candidacy was filed if the petition was filed with a county clerk.

10. ***The district court in which the challenge is filed shall give priority to such proceedings over all other matters pending with the court, except for criminal proceedings.***

11. An independent candidate for partisan office must file a declaration of candidacy with the appropriate filing officer and pay the fee required by NRS 293.193 not earlier than the first Monday in March of the year in which the election is held nor later than 5 p.m. on the second Friday after the first Monday in March.

Sec. 16. (Deleted by amendment.)

Sec. 17. NRS 293.260 is hereby amended to read as follows:

293.260 1. Where there is no contest of election for nomination to a particular office, neither the title of the office nor the name of the candidate may appear on the ballot ~~[.]~~ ***at the primary election.***

2. ~~[If more than one major political party has candidates for a particular office, the persons who receive the highest number of votes at the primary elections must be declared the nominees of those parties for the office.~~

~~3. If only one major political party has candidates for a particular office and a minor political party has nominated a candidate for the office or an independent candidate has filed for the office, the candidate who receives the highest number of votes in the primary election of the major political party must be declared the nominee of that party and his or her name must be placed on the general election ballot with the name of the nominee of the minor political party for the office and the name of the independent candidate who has filed for the office.~~

~~4. If only one major political party has candidates for a particular office and no minor political party has nominated a candidate for the office and no independent candidate has filed for the office:~~

~~(a) If there are more candidates than twice the number to be elected to the office, the names of the candidates must appear on the ballot for a primary election. Except as otherwise provided in this paragraph, the candidates of that party who receive the highest number of votes in the primary election, not to exceed twice the~~

~~number to be elected to that office at the general election, must be declared the nominees for the office. If only one candidate is to be elected to the office and a candidate receives a majority of the votes in the primary election for that office, that candidate must be declared the nominee for that office and his or her name must be placed on the ballot for the general election.~~

~~(b) If there are no more than twice the number of candidates to be elected to the office, the candidates must, without a primary election, be declared the nominees for the office.~~

~~5.]~~ ***If a major political party has two or more candidates for a particular office, the person who receives the highest number of votes at the primary election must be declared the nominee of that major political party for the office.***

3. Where no more than the number of candidates to be elected have filed for nomination for:

(a) Any partisan office, the office of judge of the Court of Appeals or the office of justice of the Supreme Court, the names of those candidates must be omitted from all ballots for a primary election and placed on all ballots for a general election;

(b) Any nonpartisan office, other than the office of justice of the Supreme Court, office of judge of the Court of Appeals or the office of member of a town advisory board, the names of those candidates must appear on the ballot for a primary election unless the candidates were nominated pursuant to subsection 2 of NRS 293.165. If a candidate receives one or more votes at the primary election, the candidate must be declared elected to the office and his or her name must not be placed on the ballot for the general election. If a candidate does not receive one or more votes at the primary election, his or her name must be placed on the ballot for the general election; and

(c) The office of member of a town advisory board, the candidate must be declared elected to the office and no election must be held for that office.

~~[6.]~~ ***4.*** If there are more candidates than twice the number to be elected to a nonpartisan office, the names of the candidates must appear on the ballot for a primary election. Those candidates who receive the highest number of votes at that election, not to exceed twice the number to be elected, must be declared nominees for the office.

Secs. 18-20. (Deleted by amendment.)

Sec. 21. NRS 293.368 is hereby amended to read as follows:

293.368 1. Except as otherwise provided in subsection 4 of NRS 293.165, if a candidate on the ballot at a primary election dies

after 5 p.m. of the second Tuesday in April, the deceased candidate's name must remain on the ballot and the votes cast for the deceased candidate must be counted in determining the nomination for the office for which the decedent was a candidate.

2. If the deceased candidate on the ballot at the primary election receives the number of votes required to receive the nomination to the office for which he or she was a candidate, except as otherwise provided in subsection 2 of NRS 293.165, the deceased candidate shall be deemed nominated and the vacancy in the nomination must be filled as provided in NRS 293.165 or 293.166. If the deceased person was a candidate for a nonpartisan office, the nomination must be filled pursuant to subsection 2 of NRS 293.165.

3. Whenever a candidate whose name appears upon the ballot at a general election dies after 5 p.m. on the fourth Friday in ~~[June]~~ ***July*** of the year in which the general election is held, the votes cast for the deceased candidate must be counted in determining the results of the election for the office for which the decedent was a candidate.

4. If the deceased candidate on the ballot at the general election receives the majority of the votes cast for the office, the deceased candidate shall be deemed elected and the office to which he or she was elected shall be deemed vacant at the beginning of the term for which he or she was elected. The vacancy thus created must be filled in the same manner as if the candidate had died after taking office for that term.

Secs. 22-31. (Deleted by amendment.)

List of County Clerks/Registrars of Voters

CARSON CITY:
Susan Merriwether, County Clerk
885 East Musser Street Suite 1025
Carson City, Nevada 89701-4475
(775) 887-2087 FAX (775) 887-2146
Email: elections@carson.org
Website: www.carson.org

CHURCHILL COUNTY:
Kelly G. Helton, County Clerk
155 N Taylor St, Suite 110
Fallon, Nevada 89406-2748
(775) 423-6028 FAX (775) 423-7069
Email: clerktreas@churchillcounty.org
Website: www.churchillcounty.org

CLARK COUNTY Elections Department:
Joe P. Gloria, Registrar of Voters
965 Trade Drive Suite A
North Las Vegas, NV 89030-7802
(702) 455-VOTE (8683) FAX (702) 455-2793
Email: jpg@ClarkCountyNV.gov
Website: www.clarkcountynv.gov/vote

CLARK COUNTY Elections Mailing
Address:
P.O. Box 3909
Las Vegas, Nevada 89127-3909
Email: elinfo@ClarkCountyNV.gov

DOUGLAS COUNTY:
Kathy Lewis, County Clerk
1616 8th Street, 2nd Floor
P.O. Box 218
Minden, Nevada 89423-0218
(775) 782-9014 FAX (775) 782-9016
Email: klewis@co.douglas.nv.us
Email: election@co.douglas.nv.us
Website: cltr.co.douglas.nv.us

ELKO COUNTY:
Carol Fosmo, County Clerk
550 Court St. 3rd Floor
Elko, Nevada 89801-3518
(775) 753-4600 FAX (775) 753-4610
Email: cfosmo@elkocountynv.net
Website: www.elkocountynv.net

ESMERALDA COUNTY:
LaCinda "Cindy" Elgan, County Clerk
233 Crook Avenue
P.O. Box 547
Goldfield, Nevada 89013-0547
(775) 485-6367 FAX (775) 485-6376
Email: celgan@citlink.net
Website: www.accessesmeralda.com

EUREKA COUNTY:
Beverly Conley , County Clerk
10 South Main Street
P.O. Box 677
Eureka, Nevada 89316-0677
(775) 237-5262 FAX (775) 237-6015
Email: bconley.ecct@eurekanv.org
Website: co.eureka.nv.us

HUMBOLDT COUNTY:
Tami Rae Spero, County Clerk
50 W. 5th Street, #207
Winnemucca, Nevada 89445-3199
(775) 623-6343 FAX (775) 623-6309
Email: coclerk@hcnv.us
Website: www.hcnv.us

LANDER COUNTY:
Sadie Sullivan, County Clerk
315 So. Humboldt Street
Battle Mountain, Nevada 89820-9998
(775) 635-5738 FAX (775) 635-0394
Email: landercountyclerk@gmail.com
Website: www.landercountynv.org

LINCOLN COUNTY:
Lisa C. Lloyd, County Clerk
181 North Main Street , Suite 201
P.O. Box 90
Pioche, Nevada 89043-0090
(775) 962-8077 FAX (775) 962-5180
Email: llloyd@lincolnnv.com
Website: www.lincolncountynv.org

LYON COUNTY:
Nikki A. Bryan, County Clerk
27 South Main Street
Yerington, Nevada 89447-2571
(775) 463-6501 FAX (775) 463-5305
Email: nbryan@lyon-county.org
Website: www.lyon-county.org

MINERAL COUNTY:
Christopher Nepper, Clerk/Treasurer
105 South "A" Street, Suite 1
P.O. Box 1450
Hawthorne, Nevada 89415-0400
(775) 945-2446 FAX (775) 945-0706
Email: clerk-treasurer@mineralcountynv.org
Website: www.mineralcountynv.us

NYE COUNTY:
Sandra L. "Sam" Merlino, County Clerk
101 Radar Road
P.O. Box 1031
Tonopah, Nevada 89049-1031
(775) 482-8127 FAX (775) 482-8133
Email: smerlino@co.nye.nv.us
Website: www.nyecounty.net

PERSHING COUNTY:
Lacey Donaldson, County Clerk
398 Main Street
P.O. Box 820
Lovelock, Nevada 89419-0820
(775) 273-2208 FAX (775) 273-3015
Email: ldonaldson@pershingcounty.net
Website: www.pershingcounty.net

STOREY COUNTY:
Vanessa Stephens, County Clerk
26 S. "B" Street
Drawer "D"
Virginia City, Nevada 89440-0139
(775) 847-0969 FAX (775) 847-0921
Email: clerk@storeycounty.org
Website: www.storeycounty.org

WASHOE COUNTY Elections Department:
Luanne Cutler, Registrar of Voters
1001 E. Ninth Street, RM A135
P.O. Box 11130
Reno, NV 89512
(775) 328-3670 FAX (775) 328-3747
Email: electionsdepartment@washoecounty.us
Website: www.washoecounty.us/voters

WASHOE COUNTY Elections Mailing
Address:
P.O. Box 11130
Reno, Nevada 89520
Email: electionsdepartment@washoecounty.us

WHITE PINE COUNTY:
Nichole Baldwin, County Clerk
801 Clark Street #4
Ely, Nevada 89301-1994
(775) 293-6509 FAX (775) 289-2544
Email: wpclerk@whitepinecountynv.gov
Website: www.whitepinecounty.net